REMARKS

Claim 1 has been amended. Applicants reserve the right to pursue the original claims and other claims in this application and other applications. Claims 1, and 3-12 are pending in this application.

Claims 1, 3 and 5-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tams et al. (U.S. 6,279,037) in view of Rauber et al. (U.S. 6,182,053). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tams et al., in view of Rauber et al. and further in view of Kadaba et al. (EP 0 787 334 B1). Reconsideration is respectfully requested.

The present invention relates to a system for tracking the receipt and internal movement resulting in final disposition of items within an organization. As illustrated in Fig. 1, the tracking system 10 comprises a data processing unit 12, a base station 20, a portable data terminal 30 and a connection cradle 50. The portable data terminal 30 is programmed to record the receipt of items, record and validate the status information regarding the internal movement of the received items, and associate the received items with the recipients, the senders and other related descriptive data elements using barcode scanning, popup, keyboard entry or look-up tables. (Specification, page 10, lines 3-18).

An aspect of the present invention is the ability for each organization to utilize its own preferred format for recording data relating to the receipt and internal delivery of an item by allowing the data collection format for recording tracking information to be created and/or modified by the user of the portable data terminal in accordance with the user's needs. Thus, the portable data terminal 30 is programmed to record information in a certain data collection format. The base station 20 is used to create a new data collection format or modify an existing data collection format according to the use's needs. The base station 20 sends an electronic file via the connection cradle 50 to the portable data terminal 30 to modify the data collection format. (Specification, page 11, lines 21-26).

A data collection format is a different combination of data entry fields including the name of the carrier, the name of the intended recipient (employee), the carrier barcode, the name of the sender, the PO number of Mail Stop number of the internal delivery address, and reference notes.

(Specification, page 13, line 27, to page 14, line 3). Fig. 3B, reproduced below, illustrates the format contents of different Receiving data collection formats.

RCV2	RCV1	RCV3	RCVPO	RCVQCK
CARRIER	CARRIER	CARRIER	CARRIER BARCODE	CARRIER
EMPLOYEE NAME	SENDER NAME	CARRIER BARCODE	CARRIER	CARRIER BARCODE
CARRIER BARCODE	EMPLOYEE NAME	EMPLOYEE NAME	SENDER NAME	
	CARRIER BARCODE		PO NUMBER	
			EMPLOYEE NAME	
			REF. NOTES	

FIG. 3B

The user can select one of the receiving data collection formats for recording receipt of an item. However, if the user wants to modify the existing collection formats or create one or more new collection formats, he or she can do so on the base station 20. The modified or newly crated data collection formats can then be transferred from the base station 20 to the portable data terminal 20 via the connection cradle 50. (Specification, page 14, lines 3-10).

Fig. 11B, reproduced below, illustrates the format contents of different Delivery data collection formats. As shown, each data collection format is a different combination of data entry fields including the name of the carrier, the name of the intended recipient (employee), the carrier barcode, the name of the sender, and the person who actually signs for the delivered item. The user can select one of the delivery collection formats for recording the delivery of an item.

COMBO	DVLDEM	DVL2	DLVQCK	DVL1
CARRIER BARCODE	CARRIER BARCODE	PACKAGE ID	TRACKING NUMBER	EMPLOYEE NAME
CARRIER	EMPLOYEE NAME	DELIVERED TO:	DELIVERED TO:	CARRIER BARCODE
EMPLOYEE NAME	SENDER NAME			DELIVERED TO:
PO NUMBER				

FIG. 11B

If the user wants to create a new data collection format or modify an existing one, the user uses the base station 20. As illustrated in Fig. 16, a Configuration Utility window 300 is

displayed to the user after the creation/modifying program has been started. The Configuration Utility window 300 includes a Format option 302 that can be selected to create or modify the Receiving, Delivery or Combination data collection formats as shown in Figs. 3B and 11B. The data collection formats as created and modified in the base station 20 provide configuration information that the portable data terminal 30 uses to control prompts, prompt sequence and field attributes. (Specification, page 21, lines 4-17).

Thus, Applicants' invention provides a portable data terminal that can be used to record data for the receipt of items and the status information related to the internal delivery or other final disposition of the received items. The data collection formats are used for data collection and can be created and/or modified by the user according to the user's needs. The creation and/or modification of the data collection formats are carried out in a base station. The base station is capable of communicating with the portable data terminal in order to modify the data collection formats.

Tams et al., in contrast, is directed to a system that can be used to collect, store and process data regarding traffic in a computer network or intranet. An intranet 200 includes three LANS 120, 130, 140 each of which includes a plurality of computers. The computers within in each LAN are coupled together by a data link 26, 36, 46. To obtain information on each of the network segments 26, 36, 46 probes 127, 137, 147 are include in each of the LANS, respectively. The probes collect information about the traffic on their respective network segments. (Col. 8, lines 7-38). The various probes within each system may utilize different counting techniques and data table storage formats when collecting and processing network traffic data. In Tams et al., the network traffic data collected from each of the probes is processed to place it into a common data format that is selected to provide a maximum degree of information in a format that is easy to use. (Col. 6, lines 4-18).

Note first that Tams et al. is not directed to tracking receipt and internal movement resulting in a delivery or other final disposition status of items such as packages within an organization as the present invention. "In order to rely on a reference as a basis for rejection of an applicant's inventions, the reference must either be in the field of the applicants' endeavor, or if not, then be reasonably pertinent to the particular problem with which the inventor was

concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Applicants respectfully submit that Tams et al. is not in the same field of the applicant's endeavor, nor is it reasonably pertinent to the particular problem with which the inventor was concerted. Accordingly, the reference to Tams et al. is non-analogous art and cannot properly be relied upon as a basis for rejection.

Even if, for arguments sake, Tams et al. was considered analogous art, it still does not disclose, teach or suggest a base station capable of communicating with the portable data terminal for uploading electronic files for modifying the data collection format; and means for allowing a user to create one or more data collection formats at the base station and transmit the one or more data collection formats to the portable data terminal, wherein the portable data terminal can collect data in the one or more data collection formats transmitted by the base station as is recited in claim 1. The Office Action contends that Col. 11, lines 19-63, of Tams et al. discloses these features. Applicants respectfully disagree.

In Tams et al., to minimize the amount of data processing required to put a probe's network traffic data into the common format used by a management system and to maximize the amount of information collected, the network data is obtained from a probe using one of the available RMON2 table formats. The RMON2 table format is selected in the following order of preference: alMatrixTopN(Terminal Mode), alMatrixTopN(All Mode), alMatrix, nlMatrixTopN and nlMatrix. (Col. 6, lines 36-46).

Thus, in Tams et al. there are only five table formats available for use, and the format selected is based entirely on the type of probe. This is in direct contrast to the present invention in which the system is configurable to allow a user to create one or more data collection formats at the base station, transmit the data collection format to the portable data terminal and collect the data in the data collection format at the portable data terminal. As noted in Col. 11, lines 19-63 and Fig. 4A of Tams et al., once a probe is detected, an initialization routine determines the network traffic table format that is to be used with the detected probe. In step 306 a determination is made if the probe being initialized supports application layer tables (alMatrix). If the probe includes alMatrix support, the management station 150 signals the probe to create an alMatrixTopN table using terminal mode counting. In step 308, the management station 150

signals the probe to create an alMatrixTopN table using terminal mode counting. If, in step 310, it is determined, e.g., by receipt of a signal from the probe, that creation of the desired alMatrixTopN table was successful, operation proceeds to step 312. In step 312, probe information in memory is updated to include an entry on the probe being initialized and to indicate that the probe's data is in alMatrixTopN(Terminal Count Mode) format. If, in step 310 it was determined that terminal alMatrixTopN table creation was unsuccessful, in step 314 the management system 150 signals the probe being initialized to create an alMatrixTopN table using all count mode (as opposed to terminal count mode) counting. If, in step 316, it is determined that all count Mode alMatrixTopN table creation was successful, in step 318, probe information in memory is updated to include an entry on the probe being initialized and to indicate that the probe's data is in alMatrixTopN(all mode counting) format. If, in step 316, it is determined that all Mode alMatrixTopN table creation was unsuccessful, in step 320, probe information in memory is updated to include an entry on the probe being initialized and to indicate that the probe's data is in alMatrix format. If in step 306, it is determined that the probe being initialized does not support alMatrix tables, a network layer table must be selected for use. In such a case, operation proceeds from step 306 to step 324 wherein the management station 150 signals the probe being initialized to create an nlMatrixTopN table. In step 326, a determination is made as to whether or not creation of the nlMatrixTopN table was successful. If, in step 326, it is determined that nlMatrixTopN table creation was successful, then in step 328, probe information in memory is updated to include an entry on the probe being initialized and to indicate that the probe's data is in nlMatrixTopN format. If, in step 326, it is determined that all Mode nlMatrixTopN table creation was unsuccessful, then in step 330, probe information in memory is updated to include an entry on the probe being initialized and to indicate that the probe's data is in nlMatrix format.

Thus, in Tams et al. every probe is initialized to use one of the five predetermined table formats in a predetermined order of preference. The system in Tams et al. is in no way configurable by the user to allow the user to create one or more data collection formats at the base station, transmit the data collection format to the portable data terminal and collect data in the data collection format. The probe must use one of the predetermined table format based on the type of format the probe supports. There is no disclosure, teaching or suggestion in Tams et al. of a base station capable of communicating with the portable data terminal for uploading

electronic files for modifying the data collection format; and means for allowing a user to create one or more data collection formats at the base station and transmit the one or more data collection formats to the portable data terminal, wherein the portable data terminal can collect data in the one or more data collection formats transmitted by the base station as is recited in claim 1.

The references to Rauber et al. and Kadaba et al. do not cure the above deficiencies, as neither of those references, either alone or in any combination with Tams et al., discloses, teaches or suggests a base station capable of communicating with the portable data terminal for uploading electronic files for modifying the data collection format; and means for allowing a user to create one or more data collection formats at the base station and transmit the one or more data collection formats to the portable data terminal, wherein the portable data terminal can collect data in the one or more data collection formats transmitted by the base station as is recited in claim 1.

Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support obviousness determination). The fact that the present invention was made by the Applciants does not make the present invention obvious, that suggestion or teaching must come from the prior art. See C.R. Bard, Inc. v. M3 Systems, Inc., 157 F.3d 1340, 1352 (Fed. Cir. 1998). See, e.g., Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051 (Fed. Cir. 1988) (it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching or motivation in the prior art to do so). No such suggestion, teaching or motivation has been provided by the Office Action.

For at least the above reasons, Applicants respectfully submit that claim 1 is allowable over the prior art of record. Claims 3-12, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Respectfully submitted,

Brian A. Lemm
Reg. No. 43,748
Attorney for the Applicants
Telephone (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, Connecticut 06484-8000